

PROB. 12B
(7/93)

ORIGINAL

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

United States District Court

APR 19 2006

for the

at 11 o'clock and 0 min. L M
SUE BEITIA, CLERK

DISTRICT OF HAWAII

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender***(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: GRANT MACK

Case Number: CR 02-00287SOM-03

Name of Sentencing Judicial Officer: The Honorable Susan Oki Mollway
U.S. District Judge

Date of Original Sentence: 7/1/2003

Original Offense: Conspiracy to Possess With Intent to Distribute and Distribute in
Excess of 50 Grams of Cocaine Base, in violation of 21 U.S.C.
§§ 841(a)(1) and 846, a Class A felonyOriginal Sentence: Fifty-one (51) months imprisonment, to be followed by four (4)
years of supervised release with the following special conditions:
1) That the defendant participate in a substance abuse program,
which may include drug testing at the discretion and direction of the
Probation Office; 2) That the defendant is prohibited from
possessing any illegal or dangerous weapons; 3) That the
defendant participate in a mental health program at the discretion
and direction of the Probation Office; and 4) That the defendant
provide the Probation Office access to any requested financial
information.Type of Supervision: Supervised Release**PETITIONING THE COURT**☒ To modify the conditions of supervision as follows:

General Condition: That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of the commencement of supervision and at least two drug tests thereafter but no more than eight valid drug tests per month during the term of supervision, unless there is a positive drug test, in which event the maximum shall increase to up to one valid drug test per day.

Special Condition No. 1: That the defendant shall participate and comply with substance abuse treatment which includes drug and alcohol testing. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.

Special Condition No. 5: That the defendant serve up to three (3) months community confinement in a community corrections center such as Mahoney Hale, following release from imprisonment as arranged by the Probation Office. While serving the term of community confinement, the defendant may obtain employment and/or enroll in an educational program as approved and directed by the Probation Office.

CAUSE

The subject is scheduled to be released from federal custody on 4/24/2006. Our office was informed by the Bureau of Prisons that the subject has no residence or employment upon his release. As a result, this officer contacted the subject and his case manager at the Federal Correctional Institution (FCI) Lompoc. The subject agreed that he could benefit from a placement at the Mahoney Hale Community Corrections Center. This will afford the subject an opportunity to seek employment and save up money to secure his own residence. Our main objective is to ensure that the subject will not be homeless upon his release and give him an opportunity to start his supervised release on a positive note. As a result, we respectfully recommend that the Court modify the subject's conditions of supervision to require him to serve up to three (3) months community confinement in a community corrections center such as Mahoney Hale.

Additionally, in light of U.S. vs. Stephens, we are requesting that the Court modify the mandatory drug testing condition (General Condition) to allow for additional drug testing. We are also requesting that Special Condition No. 1 be revised to include updated language. Our office believes that due to the subject's history of substance abuse, it is prudent to randomly test the subject for illicit drug use throughout his term of supervision.

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As noted by his signature on the attached Waiver of Hearing form (Probation Form 49), the subject maintains no objections to these modifications. The subject's attorney and the U.S. Attorney's Office have been notified of the proposed modifications.

Respectfully submitted by,



FRANK M. CONDELLO, II
U.S. Probation Officer

Approved by:

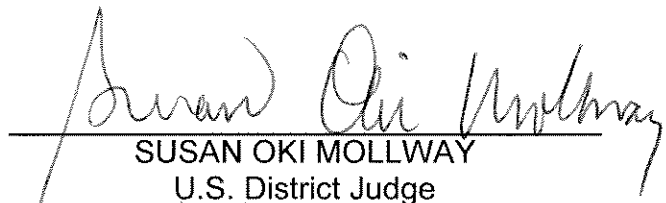


TIMOTHY M. JENKINS
Supervising U.S. Probation Officer

Date: 4/14/2006

THE COURT ORDERS:

☒ The Modification of Conditions as Noted Above
☐ Other


SUSAN OKI MOLLWAY
U.S. District Judge

4/14/06

Date

PROB 49
(1/96)

United States District Court

District of Hawaii

Waiver of Hearing to Modify Conditions of Probation/Supervised Release and/or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release and/or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release and/or to the proposed extension of my term of supervision:

☒ To modify the conditions of supervision as follows:

General Condition -

That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of the commencement of supervision and at least two drug tests thereafter but no more than eight valid drug tests per month during the term of supervision, unless there is a positive drug test, in which event the maximum shall increase to up to one valid drug test per day.

Special Condition No. 1 -

That the defendant shall participate and comply with substance abuse treatment which includes drug and alcohol testing. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.

Special Condition No. 5 -

That the defendant serve up to three (3) months community confinement in a community corrections center such as Mahoney Hall, following release from imprisonment as arranged by the Probation Office. While serving the term of community confinement, the defendant may obtain employment and/or enroll in an educational program as approved and directed by the Probation Office.

Witness:


ROBIN WOODARD
Case Manager

Signed:


GRANT MACK
Supervised Releasee

4-13-2006
Date